

February 7, 1939.

Honorable Clyde M. Stauffer,  
House of Representatives,  
Capitol,  
Phoenix, Arizona.

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Dear Sir:

We have considered House Bill No. 171. It is  
the opinion of this office that said bill is con-  
stitutional and in proper form.

Very truly yours,

JON COLWELL,  
Attorney General

EARL ANDERSON,  
Special Assistant  
Attorney General

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ARIZONA ATTORNEY GENERAL

Louis J. Saks, M.D.  
Superintendent State Hospital for the Insane,  
Phoenix, Arizona.

Dear Dr. Saks:

We have your letter of January 30th requesting an opinion of this office on the following:

"We are treating our patients with malaria. In some instances we have patients sent from the State Prison. Would you kindly advise me whether it will be necessary to obtain written permission before those patients are inoculated with the malaria."

Insofar as you are treating patients who have been committed to the hospital as insane persons, you are under the duty to apply that skill and learning that the average member of the medical profession in good standing would use. You would not be liable for more or less nor do you guarantee good results. You would not be required to obtain written permission before treating inmates. However where you are treating prisoners who have not been committed to the Arizona State Hospital for the Insane as patients you cannot force malaria treatment on them. If they are to be treated they would have to be treated voluntarily and as an added precaution it would be advisable for the physician in charge to obtain written consent from the patient before inoculating the patient with malaria.

Yours very truly,

JOE CONWAY  
Attorney General

EARL ANDERSON  
Special Assistant  
Attorney General

CHARLES BERNSTEIN  
Assistant Attorney General

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